



HPW
PATENT
Docket No. 282172002800

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Sandy Yi

Sandy Yi

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Thomas W. DUBENSKY, Jr. et al.

Serial No.: 10/773,618

Filing Date: February 6, 2004

For: MODIFIED FREE-LIVING MICROBES,
VACCINE COMPOSITIONS AND
METHODS OF USE THEREOF

Examiner: Not Yet Assigned

Group Art Unit: 1645

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - A fee is required. A check in the amount of __ is enclosed.
 - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

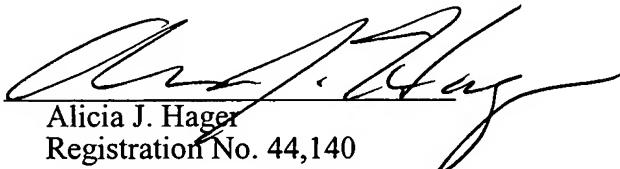
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **282172002800**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 21, 2004

Respectfully submitted,

By:


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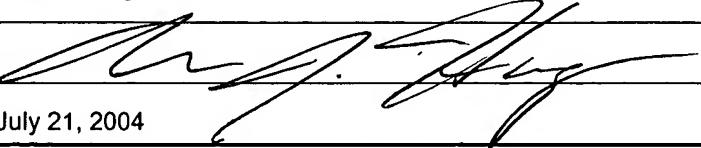
(to be used for all correspondence after initial filing)

		Application Number	10/773,618
		Filing Date	February 6, 2004
		First Named Inventor	Thomas W. DUBENSKY, Jr.
		Art Unit	1645
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	28 + 159 Refs.	Attorney Docket Number	282172002800

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 25226) Alicia J. Hager - 44,140
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Date	July 21, 2004

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Dated: July 21, 2004

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Form PTO/1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 282172002800		Application Number 10/773,618
	Applicant Thomas W. DUBENSKY, Jr. et al.		
	Filing Date February 6, 2004		Group Art Unit 1645
	Mailing Date July 21, 2004		

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	02/28/2002	2002/0025323	Paterson et al.			
	2.	03/07/2002	2002/0028206	Paterson			
	3.	04/18/2002	2002/0045587	Goebel			
	4.	10/17/2002	2002/0150588	Allison et al.			
	5.	05/01/2003	2003/0082510	Wollowitz et al.			
	6.	06/19/2003	2003/0113704	Stassinopoulos et al.			
	7.	10/30/2003	2003/0202985	Paterson			
	8.	10/30/2003	2003/0203472	Portnoy et al.			
	9.	01/22/2004	2004/0013690	Portnoy et al.			
	10.	02/12/2004	2004/0029897	Cook et al.			
	11.	12/15/1992	5,171,568	Burke et al.			
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DATE CONSIDERED:

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	33.	08/12/2003	6,605,286	Steidler et al.			

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Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	34.	06/01/1989	WO 89/04669	WIPO			
	35.	10/04/1990	WO 90/11089	WIPO			
	36.	11/29/1990	WO 90/14436	WIPO			
	37.	08/05/1993	WO 93/15212	WIPO			Abstract
	38.	05/17/1996	WO 96/14087	WIPO			
	39.	01/22/1998	WO 98/02523	WIPO			
	40.	07/16/1998	WO 98/30545	WIPO			
	41.	07/23/1998	WO 98/31786	WIPO			
	42.	05/27/1999	WO 99/25376	WIPO			
	43.	06/03/1999	WO 99/26476	WIPO			
	44.	07/08/1999	WO 99/34007	WIPO			
	45.	09/23/1999	WO 99/47646	WIPO			
	46.	02/08/2001	WO 01/08701	WIPO			
	47.	04/12/2001	WO 01/24637	WIPO			
	48.	04/19/2001	WO 01/27295	WIPO			Abstract
	49.	10/04/2001	WO 01/72329	WIPO			
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	51.	08/15/2002	WO 02/062298	WIPO			

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	55.	11/13/2003	WO 03/092600	WIPO				
	56.	12/11/2003	WO 03/102168	WIPO				
	57.	01/22/2004	WO 2004/006837	WIPO				

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